

STATE OF SOUTH CAROLINA

(Caption of Case)

IN RE:

Happy Rabbit, LP on Behalf of,

Windridge Townhomes, Complainant,

v.

Alpine Utilities, Inc., Respondent

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

COVER SHEET

DOCKET

NUMBER: 2008 - 360 - S

(Please type or print)

Submitted by: Richard L. Whitt

SC Bar Number: 62895

Address: Austin & Rogers, P.A.

Telephone: 803-251-7442

508 Hampton Street, Suite 300

Fax: 803-252-3679

Columbia, South Carolina 29201

Other: 803-256-4000

Email: rlwhitt@alrlaw.com

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DOCKETING INFORMATION (Check all that apply)

☒ **Emergency Relief demanded in petition** ☐ **Request for item to be placed on Commission's Agenda expeditiously**

Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit of Publication	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certificatio
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certification of Mailing	<input type="checkbox"/> Petition for Rulemaking	<input checked="" type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input checked="" type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Return	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

Austin & Rogers, P.A.
ATTORNEYS AND COUNSELORS AT LAW

WILLIAM FREDERICK AUSTIN
TIMOTHY F. ROGERS
RAYMON E. LARK, JR.
RICHARD L. WHITT
JEFFERSON D. GRIFFITH, III*
EDWARD L. EUBANKS
W. MICHAEL DUNCAN

COLUMBIA OFFICE:
CONGAREE BUILDING
508 HAMPTON STREET, SUITE 300
POST OFFICE BOX 11716
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 256-4000
FACSIMILE: (803) 252-3679
WWW.ALRLAW.COM

WINNSBORO OFFICE:
120 NORTH CONGRESS STREET
POST OFFICE BOX 1061
WINNSBORO, SOUTH CAROLINA 29180

TELEPHONE: (803) 712-9900
FACSIMILE: (803) 712-9901

January 30, 2009

VIA ELECTRONIC FILING

The Honorable Charles L. A. Terreni
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

RE: • Happy Rabbit, LP on Behalf of Windridge Townhomes, Complainant, v. Alpine Utilities, Incorporated, Respondent, Docket No. 2008-360-S
• **Happy Rabbit's Response to Motion to Suspend Testimony Deadlines; and Response to Motion for Order Compelling Response to Discovery Requests or, in the Alternative, to Dismiss Complaint.**

Dear Mr. Terreni:

Happy Rabbit, a South Carolina Limited Partnership (hereinafter, "Happy Rabbit), through Counsel, responds to both of Respondent's Motions, set-forth above, as follows:

Alpine Utilities, Incorporated's (hereinafter "Alpine") Counsel does not give this Commission the background on its Motions. On December 19, 2008, Alpine served:

1. Its First Set of Interrogatories consisting of ten questions, **in this Docket**; and
2. Its First Set of Requests for Production consisting of fourteen requests, **in this Docket**; and
3. Its First Set of Requests to Admit consisting of ten requests, **in this Docket**; and
4. Its First Set of Interrogatories consisting of ten questions, **in Circuit Court Action No. 2008-CP-40-06619**; and
5. Its First Set of Requests for Production consisting of fourteen requests, **in Circuit Court Action No. 2008-CP-40-06619**; and
6. Its First Set of Requests to Admit consisting of ten requests, **in Circuit Court Action No. 2008-CP-40-06619**; and
7. In summary, Happy Rabbit was required to provide, since December 19, 2008: its responses to twenty-eight (28) Requests for Production, twenty (20) Interrogatories, and twenty (20) Requests to Admit questions, and Happy Rabbit was required to file its pre-filed Direct Testimony/Exhibits with this Commission. To date, Happy Rabbit has pre-filed its Direct Testimony with Exhibit, on January 27, 2009, and Happy Rabbit has responded to the Request to Admit in this Docket, and in the Circuit Court on January 16, 2009. Representatives of Happy Rabbit are working diligently to respond to the remaining Discovery items and Counsel for Alpine was informed that the Discovery Responses would be made as soon as these voluminous materials are available. **Happy Rabbit anticipates that these responses will be available on Monday, February 2, 2009.**

MOTION TO SUSPEND TESTIMONY

8. Presently Alpine's pre-filed Direct Testimony is due on February 10, 2009. Alpine's Motion requests a new pre-filing date at least ten days after its receipt of Happy Rabbits Responses. Based on paragraphs 1 through 7 hereinabove, Happy Rabbit will provide these Discovery Responses on Monday, February 2, 2009 which allows Alpine **nine (9) days** before its pre-filing date of February 10, 2009. **Therefore**, it is not necessary for this Commission to Suspend or Amend its pre-filing dates previously set in this Docket.

**MOTION FOR ORDER COMPELLING RESPONSE TO DISCOVERY REQUESTS OR, IN
THE ALTERNATIVE, TO DISMISS COMPLAINT**

9. Based on paragraphs 1 through 8 hereinabove, Alpine's request for this Order is unnecessary, not supported by the facts and Pleadings of this Docket and is moot after Happy Rabbit's Discovery Responses are provided after February 2, 2009.

CONCLUSION

Based on the foregoing, this Commission should inquire into this matter and find that Alpine's Motion to Suspend Testimony should be denied, and Alpine's Motion for Order Compelling Response to Discovery Requests or, in the Alternative, to Dismiss Complaint should also be denied.

Respectfully submitted,

/s/

Richard L. Whitt

Columbia, South Carolina

RLW/jjy
Certificate of Service

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2008-360-S**

IN RE:

Happy Rabbit, LP on Behalf of,)
Windridge Townhomes,)
)
Complainant,)
v.)
)
Alpine Utilities, Inc.,)
Respondent)
_____)

CERTIFICATE OF SERVICE

I, Jessica Yun, an employee of Austin & Rogers, P.A., certify that I mailed a copy of the Response to Motion to Suspend Testimony Deadlines and Response to Motion for Order Compelling Response to Discovery Requests or, in the Alternative, to Dismiss Complaint in the above referenced matter as indicated below, via U.S. Mails as addressed below, with proper postage affixed thereto, or e-mail on January 30, 2009.

Attorney Benjamin P. Mustian
P.O. Box 8416
Columbia S.C., 29202-8416
Via U.S. Mail

Nanette S. Edwards, Esquire
Via e-mail

Austin & Rogers, P.A.

/S/
Jessica Yun

Columbia, South Carolina
January 30, 2009